

CITY OF CORAL GABLES, FLORIDA**ORDINANCE NO. _____**

AN ORDINANCE OF THE CITY COMMISSION OF CORAL GABLES, FLORIDA PROVIDING FOR TEXT AMENDMENTS TO THE CITY OF CORAL GABLES OFFICIAL ZONING CODE, ARTICLE 4, "ZONING DISTRICTS", DIVISION 2, "OVERLAY AND SPECIAL PURPOSE DISTRICTS" SECTION 4-201, "MIXED USE DISTRICT (MXD)", TO ALLOW FOR PROPOSED MIXED USE PROJECTS LOCATED WITHIN A DESIGNATED MIXED USE OVERLAY DISTRICT (MXOD) WITH AN UNDERLYING ZONING DESIGNATION OF INDUSTRIAL DISTRICT (I), SUBJECT TO CITY COMMISSION APPROVAL, THE FOLLOWING: 1) UP TO AN ADDITIONAL TWENTY (20) FEET OF HABITABLE BUILDING HEIGHT ABOVE THE ONE HUNDRED (100) FOOT MAXIMUM PERMITTED BUILDING HEIGHT FOR THE PURPOSES OF INCREASED FLOOR-TO-CEILING HEIGHT AND AESTHETICS; AND, 2) INCREASE THE MAXIMUM PERMITTED HEIGHT OF NON-HABITABLE ARCHITECTURAL FEATURES BASED ON THE AESTHETICS AND DESIGN; PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, an Application was submitted requesting approval of a Zoning Code text amendment to Article 4, "Zoning Districts," Division 2, "Mixed Use District," ("MXD") to allow for additional height for the purpose of increased floor to ceiling height and aesthetics, and increased height for non-habitable architectural features based on aesthetics and design, where certain minimum criteria are met as provided in Exhibit "A," attached hereto; and,

WHEREAS, the existing Zoning Code provisions as strictly applied do not sufficiently address urban place-making, innovative mixed-use development, and excellence in architectural design and materials; and,

WHEREAS, in advance of public hearing consideration, the City's staff analysis and recommendation are available for inspection at City of Coral Gables Planning Department and City Clerk's office and available on the City's Web page at www.coralgables.com for easy retrieval; and,

WHEREAS, after notice duly published, a public hearing was held before the Local Planning Agency (Planning and Zoning Board) of the City of Coral Gables on March 11, 2015, at which hearing all interested parties were afforded the opportunity to be heard; and,

WHEREAS, the Planning and Zoning Board, which is the Local Planning Agency, on March 11, 2015 was presented with the text amendments to the Official Zoning Code, and after due consideration, recommended approval (vote: 7 – 0) of the text amendment with the amendment that it be limited to the North Industrial Mixed-Use District; and,

WHEREAS, after notice duly published, a public hearing for First Reading was held before the City Commission on May 12, 2015, at which hearing all interested parties were afforded the opportunity to be heard; and

WHEREAS, the City Commission was presented with a text amendment to the Zoning Code, and after due consideration and discussion, approved the amendment on First Reading (vote: 5 – 0).

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:

SECTION 1. The foregoing “**WHEREAS**” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. The Official Zoning Code of the City of Coral Gables is hereby amended as shown in Exhibit “A,” attached hereto and incorporated herein by this reference.

SECTION 3. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

SECTION 5. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of Ordinance No. 2007-01 as amended and known as the “Zoning Code” of the City of Coral Gables, Florida, which provisions may be renumbered or re-lettered and the word ordinance be changed to “section”, “article”, or other appropriate word to accomplish such intention.

SECTION 6. If the Official Zoning Code of the City of Coral Gables Tables of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

SECTION 7. This Ordinance shall become effective upon the date of its adoption herein.

PASSED AND ADOPTED THIS _____ DAY OF _____, A.D. 2015.

APPROVED:

**JIM CASON
MAYOR**

ATTEST:

**WALTER FOEMAN
CITY CLERK**

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:**

**CRAIG E. LEEN
CITY ATTORNEY**

Exhibit "A"
Zoning Code Text Amendment

Section 4-201.E.6. Height

The maximum allowable building height(s), subject to satisfying Article 3, Division 4, Conditional Uses, for habitable space for the following underlying zoning designations and uses may be granted as follows:

- Commercial Limited District: Up to and including seventy-five (75) feet.
- Commercial District: Up to and including one-hundred (100) feet.
- Industrial District: Up to and including one-hundred (100) feet.
- Manufacturing uses: Up to and including forty-five (45) feet.

For properties within the North Industrial Mixed-Use District which have an underlying zoning designation of Industrial, the City Commission may approve up to an additional twenty (20) feet of habitable building height upon finding that the proposed building complies with the following criteria:

1. The building has no more than ten (10) stories.
2. The additional building height is for the purpose of providing increased floor to ceiling height in residential units.
3. The additional building height enhances the building's aesthetics and the aesthetics of the surrounding area.
4. The additional building height does not result in increased density or floor area.

Section 4-201.E.7. Heights of architectural elements, etc.

The maximum allowable height(s), subject to satisfying Article 3, Division 4, Conditional Uses, of architectural elements, spires, bell towers, elevator housings or similar non-habitable structures for the following underlying zoning designations and uses may be granted as follows:

- Commercial Limited District: Up to and including fifteen (15) feet.
- Industrial and Commercial Districts: Up to and including twenty-five (25) feet.
- Manufacturing uses: Up to and including ten (10) feet.

For properties which have an underlying zoning designation of Industrial and obtain approval from the City Commission for additional habitable space height pursuant to Section 4-201(E)(6), the City Commission may approve architectural elements not to exceed a height of 190'6" from established grade, upon finding that the proposed architectural element enhances the building's aesthetics and the aesthetics of the surrounding area.

Section 4-201.E.8. Height adjoining residential uses.

Properties which are adjacent to residential district designations shall be limited to a maximum height (habitable space) of forty-five (45) feet within one hundred (100) feet of the adjacent right-of-way line. Ten (10) additional feet are permitted for roof top architectural elements, etc. above the habitable height.

For properties that obtain approval from the City Commission for additional habitable space height pursuant to Section 4-201(E)(6), the City Commission may approve rooftop architectural elements not to exceed twenty-five feet (25') beyond habitable height for that portion of the property which is adjacent to residential district designations, upon finding that the proposed rooftop architectural element enhances the building's aesthetics and the aesthetics of the surrounding area, and that such increased height will not have a negative impact on adjacent residential uses.